IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 10540 of 1992

Between:

1 S.Kanna Rao son of Ramaswamy,
G.Rangampet, Peddapuram Mandalam, East Godavari Dist
2 Siripurapu China Ramaswamy son of Subbanna
G.Rangampet, Peddapuram Mandalam, East Godavari Dist
3 Siripurapu Ramaswamy son of Ganganna
G.Rangampet, Peddapuram Mandalam, East Godavari Dist
4 Siripurapu Apparao son of Ganganna
G.Rangampet, Peddapuram Mandalam, East Godavari Dist
5 Siripurapu Sattiraju son of Subbanna
G.Rangampet, Peddapuram Mandalam, East Godavari Dist
6 Siripurapu Somaraju son of Subbanna
G.Rangampet, Peddapuram Mandalam, East Godavari Dist
7 Siripurapu Sattiraju son of Ramaswamy
G.Rangampet, Peddapuram Mandalam, East Godavari Dist
8 Siripurapu Subbanna son of Ramaswamy
G.Rangampet, Peddapuram Mandalam, East Godavari Dist
9 Siripurapu Suribabu son of Veeranna
G.Rangampet, Peddapuram Mandalam, East Godavari Dist
10 Kilaparthi Venkataramana son of Suribabu
G.Rangampet, Peddapuram Mandalam, East Godavari Dist
11 Kilaparthi China Suryaradha son of Ramulu
G.Rangampet, Peddapuram Mandalam, East Godavari Dist
12 Siripurapu Apparao son of Ramulu
G.Rangampet, Peddapuram Mandalam, East Godavari Dist
13 Siripurapu Tatarao son of Ramulu
G.Rangampet, Peddapuram Mandalam, East Godavari Dist
14 Siripurapu China Apparao son of Ramulu
G.Rangampet, Peddapuram Mandalam, East Godavari Dist
15 Siripu Pedasuryarao son of Subbanna
G.Rangampet, Peddapuram Mandalam, East Godavari Dist
16 Siripurapu Chandra Rao son of Subbanna
G.Rangampet, Peddapuram Mandalam, East Godavari Dist
17 Siripurapu Srinivasarao son of Babaju
G.Rangampet, Peddapuram Mandalam, East Godavari Dist
18 Garapati Ramakrishna son of Babaja

G.Rangampet, Peddapuram Mandalam, East Godavari Dist

..... PETITIONERS

AND

1 The Collector, East Godavari District, Kakinada.
2 The Executive Officer, S.V.V.S.S. Devasthanam,

Annavarm, East Godavari District.
3 Assistant Commissioner, Endowments,
Rajahmundry, East Godvari District.
4 Mandal Revenue Officer,
Peddapuram, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the action of the 1st respondent is illegal, unlawful and void in respect of S.No.239/5 meausing 10.70 Acres situated at G.Rangampet, Peddapuram Mandal, East Godavari District.

Counsel for Petitioners: ---

Counsel for Respondents 1, 3 and 4: GOVERNMENT PLEADER FOR ENDOWMENTS

Counsel for Respondent No.2: SMT. N.INDRANI (STANDING COUNSEL FOR S.V.V.S.S. DEVASTHANAM)

The Court made the following:

ORDER:

As much as the Counsel on record appearing for petitioners died during pendency of the writ petition, this Court has ordered for issuance of administrative notice to the petitioners. But, the office has put up a note that when such notices were sent, they were returned with an endorsement that some of the petitioners were died and with regard to some other petitioners, endorsement was made to the effect that no such addressee. In that view of the matter, this writ petition is taken up for disposal on merits.

These petitioners claiming to be in possession of land admeasuring Ac.10-70 cents in Survey No.239/5 situated at G.Ragampet, Peddapuram Mandal, East Godavari District, belonged to Bhimeswaraswamy temple, Samalkot, East Godavari District. Though no orders are passed by the first respondent-District Collector, East

Godavari at Kakinada, this writ petition is filed on the apprehension that he has ordered for dispossession of the petitioners, to assign the said land to third parties.

Counter affidavit is filed on behalf of respondents, disputing that the petitioners are tenants of the land in question. But, however, in the additional counter affidavit filed by the second respondent, it is stated, some of the writ petitioners' names were entered in the records as "tenants".

As much as no orders were passed by the first respondent for dispossession of the petitioners, I dispose of the writ petition with a direction that if any of the petitioners are in possession of any extent of land in Survey No.239/5 of G.Ragampet, Peddapuram Mandal, East Godavari District, the respondents are directed not to dispossess them as otherwise in due process of law.

Subject to the above direction, the writ petition is disposed of. No order as to costs.

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R.SUBHASH REDDY, J

09th February, 2005.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Collector, East Godavari District, Kakinada.
2 The Executive Officer, S.V.V.S.S. Devasthanam,

Annavarm, East Godavari District.
3 The Assistant Commissioner, Endowments,
Rajahmundry, East Godvari District.
4 The Mandal Revenue Officer,
Peddapuram, East Godavari District.

5 Two CCs to the Government Pleader for Endowments,

High Court Buildings, Hyderabad (O.U.T).

6 Two CD copies.